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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL CHABON, et al.,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
corporation;

Defendant.

Case No. 3:23-cv-04663-VC

JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE TO JANUARY
12, 2024

Hon. Vince Chhabria

Trial Date: None
Date Action Filed: September 12, 2023
Current CMC Date: December 8, 2023

Pursuant to Civil L.R. 7-11 and Paragraph 16 of the Court’s Standing Order, Plaintiffs Michael Chabon, Matthew Klam, David Henry Hwang, Rachel Louise Snyder, Ayelet Waldman, Ta-Nehisi Coates, Laura Lippman, Jacqueline Woodson, Junot Diaz, and Andrew Sean (collectively, “Plaintiffs”) and Defendant Meta Platforms, Inc. (“Meta” or “Defendant”) submit this Stipulation (“Stipulation”) to continue the Initial Case Management Conference (“CMC”), currently scheduled for December 8, 2023, to January 12, 2024 to permit the parties to address in their joint case management statement and at the CMC Plaintiffs’ forthcoming amended complaint, which is due by December 11, 2023, as well as the agreed to consolidation of this action with *Kadrey et al. v. Meta Platforms Inc.*, No. 3:23-cv-03417-VC (N.D. Cal.) (“*Kadrey*”). Good cause exists to grant this Stipulation, as discussed below.

1. The complaint in *Kadrey* was filed on July 7, 2023.
2. On September 12, 2023, Plaintiffs filed their Complaint asserting causes of action identical to those in *Kadrey* and concerning substantially the same parties, transactions, and events at issue as in *Kadrey*. (ECF No. 1.)
3. On September 18, 2023, Meta filed a partial motion to dismiss (“Motion to Dismiss”) in *Kadrey* (ECF No. 23) under Rule 12(b)(6) of the Federal Rules of Civil Procedure directed to all claims in the Complaint except Count I, the direct copyright infringement claim brought under the Federal Copyright Act.
4. On September 19, 2023, Plaintiffs in *Kadrey* filed an unopposed Motion to Relate Case (ECF No. 28) to consider whether this action and the *Kadrey* Action should be related (“Related Cases Motion”). The Motion to relate was granted on September 22, 2023. (ECF. No. 28.)
5. On September 25, 2023, the Court ordered the parties to confirm whether they stipulate to the partial Motion to Dismiss in *Kadrey* applying to this case as well. (ECF No. 8.) On October 3, 2023, Plaintiffs and Meta submitted the requested stipulation. (ECF No. 10.)
6. On October 6, 2023, the Court scheduled the initial CMC for December 8, 2023 at 10:00 a.m.

7. On November 20, 2023, the Court granted Meta's partial Motion to Dismiss and permitted Plaintiffs leave to amend certain claims by December 11, 2023. (ECF No. 24.)

8. The parties have agreed to consolidate this case with *Kadrey*. All parties agree to consolidation and intend to soon file a stipulation to consolidate along with a proposed order. The parties in *Kadrey* have conducted their Rule 26(f) conference of counsel, exchanged initial disclosures in that case, and are in the process of drafting a protective order and ESI protocol.

9. Paragraph 16 of the Court's Standing Order provides that "[i]f the parties wish to continue a case management conference, they must file a stipulation or motion – separate from their joint case management statement – at least 72 hours prior to the conference."

10. The parties seek to continue the CMC from December 8, 2023 to January 12, 2024. This will permit the parties sufficient time to more fully address Plaintiffs' amended complaint and the case management stipulations, both in their joint case management statement and at the CMC.

11. Good cause exists for this request, as moving the CMC will promote judicial economy and allow the parties to conduct a more productive CMC. No party will be prejudiced by the requested continuance.

12. For these reasons, the parties hereby stipulate to and request an order continuing the CMC currently scheduled for December 8, 2023 at 10:00 a.m. to January 12, 2024 at 10:00 a.m., and continuing the parties' attendant obligations to submit a joint case management statement accordingly.

Dated: December 4, 2023

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By: /s/ Bobby Ghajar

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~~[PROPOSED]~~ ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

1. The Initial Case Management Conference, currently scheduled for December 8, 2023 at 10:00 a.m., is hereby continued to January 12, 2024 at 10:00 a.m.; and
2. Any deadline associated with the parties' obligations to submit a joint case management statement is tolled until January 5, 2024.

Dated: December 5, 2023



HON. VINCE CHHABRIA
UNITED STATES DISTRICT JUDGE